<center>**REMARKS**</center>

This is a full and timely response to the outstanding non-final Office Action mailed

September 6, 2006. Upon entry of the amendments in this response, claims 26 – 33 and 42 – 50

remain pending. More specifically, Applicants amend claims 26, 31, 33, 42 – 48, and 50 and

cancel claims 34 – 41 without prejudice, waiver, or disclaimer. Applicants cancel claims 34 – 41

merely to reduce the number of disputed issues and to facilitate early allowance and issuance of

other claims in the present application. Applicants reserve the right to pursue the subject matter

of these canceled claims in a continuing application, if Applicants so choose, and do not intend

to dedicate the canceled subject matter to the public. Reconsideration and allowance of the

application and presently pending claims are respectfully requested.

I.   Rejections Under 35 U.S.C. §102

    A.   Claim 26 is Allowable Over _Borseth_

The Office Action indicates that claim 26 stands rejected under 35 U.S.C. §102(e) as

allegedly being anticipated by U.S. Patent Number 7,042,526 ("_Borseth_"). Applicants

respectfully traverse this rejection on the grounds that _Borseth_ does not disclose, teach, or

suggest all of the claimed elements. More specifically, claim 26 recites:

> A method, at a decoder in a subscriber television system, for determining a service group associated with the decoder, the method comprising the steps of:
> (a)   retrieving a service group table from a signal on the transmission medium, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification;
> (b)   retrieving at least a portion of the tuning information from the service group table, the tuning information including at least one frequency, wherein the at least one frequency is associated with the at least one transport stream identification;

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     (c)   tuning to a frequency retrieved from the tuning information;

     (d)   determining if a valid signal is present at the tuned frequency;

     (e)   in response to determining that a valid signal is detected at the tuned frequency, determining the transport stream identification associated with the tuned frequency and, from the determined transport stream identification, determining an associated service group from the service group table as the service group for the decoder;

     (f)   ***comparing the determined service group for the decoder with a previously stored service group***; and

     (g)   in response to a determination that the determined service group for the decoder is different than the previously stored service group, ***uploading the determined service group for the decoder to a system controller at a headend. (emphasis added)***

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "method, at a decoder in a subscriber television system, for determining a service group associated with the decoder, the method comprising the steps of… ***comparing the determined service group for the decoder with a previously stored service group*** [and] in response to a determination that the determined service group for the decoder is different than the previously stored service group, ***uploading the determined service group for the decoder to a system controller at a headend***" as recited in claim 26. *Borseth* appears to disclose a "worldwide television tuning system with country code based tuning" (Title). More specifically, *Borseth* appears to disclose "filters 82 [that] are configured as dynamic linked libraries (DLLs). Any one filter may be replaced dynamically without restarting the system. For instance, in the event that certain broadcast frequencies have changed, a manufacturer or other provider can provide a new tuner filter DLL with updated channel-to-frequency tables that reflect the new broadcast frequencies" (column 11, line 13).

As illustrated in this passage, *Borseth* fails to disclose a "method, at a decoder in a subscriber television system, for determining a service group associated with the decoder, the

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method comprising the steps of… *comparing the determined service group for the decoder with a previously stored service group* [and] in response to a determination that the determined service group for the decoder is different than the previously stored service group, *uploading the determined service group for the decoder to a system controller at a headend*" as recited in claim 26. For at least this reason, claim 26 is allowable over the cited art.

B.   Claim 31 is Allowable Over *Borseth*

The Office Action indicates that claim 31 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Borseth*. Applicants respectfully traverse this rejection on the grounds that *Borseth* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 31 recites:

> A method for determining a service group association of at least one decoder, comprising the steps of:
> creating, at a headend, a service group table for a subscriber television system, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification;
> causing to be transmitted, from the headend, the service group table via the transmission medium to the at least one decoder;
> receiving a message, at the headend, from the least one decoder, *the message including the service group associated with the at least one decoder*; and
> *recording, at the headend, the relationship of the at least one decoder to the associated service group. (emphasis added)*

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "method for determining a service group association of at least one decoder, comprising the steps of… receiving a message, at the headend, from the least one decoder, the *message including the service group associated with the at least one decoder* [and] *recording, at the*

headend, the relationship of the at least one decoder to the associated service group" as recited in claim 31. *Borseth* appears to disclose a "worldwide television tuning system with country code based tuning" (Title). More specifically, *Borseth* appears to disclose "filters 82 [that] are configured as dynamic linked libraries (DLLs). Any one filter may be replaced dynamically without restarting the system. For instance, in the event that certain broadcast frequencies have changed, a manufacturer or other provider can provide a new tuner filter DLL with updated channel-to-frequency tables that reflect the new broadcast frequencies" (column 11, line 13).

As illustrated in this passage, *Borseth* fails to disclose a "method for determining a service group association of at least one decoder, comprising the steps of… receiving a message, at the headend, from the least one decoder, the *message including the service group associated with the at least one decoder* [and] *recording, at the headend, the relationship of the at least one decoder to the associated service group*" as recited in claim 31. For at least this reason, claim 31 is allowable over the cited art.

C.   Claim 42 is Allowable Over *Borseth*

The Office Action indicates that claim 42 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Borseth*. Applicants respectfully traverse this rejection on the grounds that *Borseth* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 42 recites:

> A system controller for causing to be stored and updated a database of a service group association for each of a plurality of decoders of a subscriber television system, the system controller comprising:
> means for causing to be stored, in the database, the service group association for each of the plurality of decoders;

means for causing the creation of a service group table for the subscriber television system, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification for determining a service group to which a decoder in the plurality of decoders belongs;

means for causing a headend to transmit the service group table to at least one of the plurality of decoders via a transmission medium;

means for receiving a message from the at least one of the plurality of decoders, the message including the service group associated with at least one of the plurality of decoders; and

means for causing the updating of the database responsive to the service group associated with the at least one of the plurality of decoders being different from a stored service group association for the at least one of the plurality of decoders and for causing to be stored the updated database. (emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "system controller for causing to be stored and updated a database of a service group association for each of a plurality of decoders of a subscriber television system, the system controller comprising... *means for causing the updating of the database responsive to the service group associated with the at least one of the plurality of decoders being different from a stored service group association for the at least one of the plurality of decoders and for causing to be stored the updated database*" as recited in claim 42. *Borseth* appears to disclose a "worldwide television tuning system with country code based tuning" (Title). More specifically, *Borseth* appears to disclose "filters 82 [that] are configured as dynamic linked libraries (DLLs). Any one filter may be replaced dynamically without restarting the system. For instance, in the event that certain broadcast frequencies have changed, a manufacturer or other provider can provide a new tuner filter DLL with updated channel-to-frequency tables that reflect the new broadcast frequencies" (column 11, line 13).

As illustrated in this passage, *Borseth* fails to disclose a "system controller for causing to be stored and updated a database of a service group association for each of a plurality of decoders of a subscriber television system, the system controller comprising... ***means for causing the updating of the database responsive to the service group associated with the at least one of the plurality of decoders being different from a stored service group association for the at least one of the plurality of decoders and for causing to be stored the updated database***" as recited in claim 42. For at least this reason, claim 42 is allowable over the cited art.

D.   Claim 44 is Allowable Over *Borseth*

The Office Action indicates that claim 44 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Borseth*. Applicants respectfully traverse this rejection on the grounds that *Borseth* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 44 recites:

> A system controller for determining service group associations of a plurality of modulators in a subscriber television system, the system controller comprising:
> means for storing and updating a database of tuning frequencies, related transport stream identities, and associated service group identities for each of the plurality of modulators;
> means for causing the creation of a modulator tuning table for the subscriber television system, the modulator tuning table including the tuning frequencies related to each of the plurality of modulators;
> means for causing to be transmitted, from the headend, the modulator tuning table via the transmission medium to at least one of a set of audit designated decoders;
> means for receiving a message from at least one of the set of audit designated decoders, the message including the related transport stream identities determined by the at least one of the set of audit designated decoders based on tuning the frequencies related to each of the plurality of modulators, locating a valid transport stream related to

the tuned frequency, and retrieving a related transport stream identification from the transport stream; and

> ***means for causing the updating of the database, responsive to the related transport stream identities being associated with the at least one of the set of audit designated decoders. (emphasis added)***

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "system controller for causing to be stored and updated a database of a service group association for each of a plurality of decoders of a subscriber television system, the system controller comprising... ***means for causing the updating of the database, responsive to the related transport stream identities being associated with the at least one of the set of audit designated decoders***" as recited in claim 44. *Borseth* appears to disclose a "worldwide television tuning system with country code based tuning" (Title). More specifically, *Borseth* appears to disclose "filters 82 [that] are configured as dynamic linked libraries (DLLs). Any one filter may be replaced dynamically without restarting the system. For instance, in the event that certain broadcast frequencies have changed, a manufacturer or other provider can provide a new tuner filter DLL with updated channel-to-frequency tables that reflect the new broadcast frequencies" (column 11, line 13).

As illustrated in this passage, *Borseth* fails to disclose a "system controller for causing to be stored and updated a database of a service group association for each of a plurality of decoders of a subscriber television system, the system controller comprising... ***means for causing the updating of the database responsive to the service group associated with the at least one of the plurality of decoders being different from a stored service group association for the at least one of the plurality of decoders and for causing to be stored the updated database***" as recited in claim 44. For at least this reason, claim 44 is allowable over the cited art.

E. Claim 47 is Allowable Over _Borseth_

The Office Action indicates that claim 47 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by _Borseth_. Applicants respectfully traverse this rejection on the grounds that _Borseth_ does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 47 recites:

> A method of using at least one of a set of audit designated decoders at specific locations within a subscriber television system to define a service group, comprising the steps of:
>
> establishing, at a headend, a modulator tuning table listing a plurality of available subscriber television system frequencies associated with a plurality of modulators;
>
> transmitting the modulator tuning table from the headend to at least one of the set of audit designated decoders;
>
> _retrieving the modulator tuning table at the at least one of the set of audit designated decoders;_
>
> tuning, at the at least one of the set of audit designated decoders, to each frequency listed in the modulator tuning table and, if a valid signal is detected at a tuned frequency, retrieving an associated Motion Picture Experts Group (MPEG) transport stream identity for the tuned frequency;
>
> transmitting to the headend, by the at least one of the set of audit designated decoders, the retrieved associated transport stream identity for the tuned frequency associated with the at least one of the set of audit designated decoders; and
>
> _defining, as the service group, a subset of modulators associated with the transport stream identity of the tuned frequency with a valid signal of the at least one of the set of audit designated decoders and associated with the specific location of the at least one of the set of audit designated decoders. (emphasis added)_

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "method of using at least one of a set of audit designated decoders at specific locations within a subscriber television system to define a service group, comprising the steps of... _retrieving the modulator tuning table at the at least one audit designated decoder_ [and] _defining, as the_

service group, a subset of modulators associated with the transport stream identity of the tuned frequency with a valid signal of the at least one of the set of audit designated decoders and associated with the specific location of the at least one of the set of audit designated decoders" as recited in claim 47. *Borseth* appears to disclose a "worldwide television tuning system with country code based tuning" (Title). More specifically, *Borseth* appears to disclose "filters 82 [that] are configured as dynamic linked libraries (DLLs). Any one filter may be replaced dynamically without restarting the system. For instance, in the event that certain broadcast frequencies have changed, a manufacturer or other provider can provide a new tuner filter DLL with updated channel-to-frequency tables that reflect the new broadcast frequencies" (column 11, line 13).

As illustrated in this passage, *Borseth* fails to disclose a "method of using at least one of a set of audit designated decoders at specific locations within a subscriber television system to define a service group, comprising the steps of... *retrieving the modulator tuning table at the at least one audit designated decoder* [and] *defining, as the service group, a subset of modulators associated with the transport stream identity of the tuned frequency with a valid signal of the at least one of the set of audit designated decoders and associated with the specific location of the at least one of the set of audit designated decoders*" as recited in claim 47. For at least this reason, claim 47 is allowable over the cited art.

F.   Claims 27 – 30, 32 – 33, 43, 45 – 46, and 48 – 50 are Allowable Over *Borseth*

The Office Action indicates that claims 27 – 30, 32 – 33, 43, 45 – 46, and 48 – 50 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 7,042,526 ("*Borseth*"). Applicants respectfully traverse this rejection on the grounds that

Borseth does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 27 – 30 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 26. Dependent claims 32 – 33 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 31. Dependent claim 43 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 42. Dependent claims 45 – 46 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 44. Dependent claims 48 – 50 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 47. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II.   Canceled Claims

The Office Action indicates that claims 34 – 41 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Borseth*. Applicants cancel these claims and consider this issue moot.
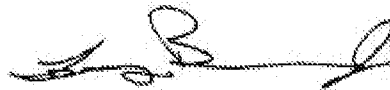
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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